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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 **JOHN PETTITT, MURPHY LABRADOR**
12 **CORPORATION, MAX GSD TRUST OF 1996 BY**
13 **BARBARA MUSSER, TRUSTEE,**

14 Plaintiffs,

15 v.

16 **JOHN CHIANG, individually and in his capacity as**
17 **STATE CONTROLLER OF THE STATE OF**
18 **CALIFORNIA,**

19 Defendant.

CV 07-5854 CW

**[PROPOSED] ORDER
DISMISSING FIRST
AMENDED COMPLAINT**

20 The motion to dismiss the First Amended Complaint filed by defendant John Chiang,
21 California State Controller, pursuant to Federal Rules of Civil Procedure 12(b)(6) came on
22 regularly for hearing on April 24, 2008, in Department 2 of the above-entitled Court, the
23 Honorable Claudia Wilken presiding. After reviewing the moving, opposition, and reply papers,
24 and all supporting documents, and considering the arguments of counsel, and GOOD CAUSE
25 APPEARING THEREFORE,

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[Proposed] Order Dismissing First Amended Complaint

Pettitt v. Chiang
Case No. CV 07-5854 CW

1 IT IS HEREBY ORDERED that the Controller's motion to dismiss is granted and
2 plaintiff's complaint, in its entirety, is dismissed with prejudice.

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4 **SO ORDERED**

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6 Dated: _____

7 CLAUDIA WILKEN
United States District Judge
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